

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARNA PAINTSIL ANNING,

Plaintiff,

v.

CAPITAL ONE AUTO FINANCE,

Defendant.

Case No. 19-cv-01686-KAW

**ORDER DISCHARGING ORDER TO  
SHOW CAUSE; GRANTING MOTION  
TO DISMISS**

Re: Dkt. No. 9

On February 8, 2019, Plaintiff Marna Paintsil Anning filed the instant case in small claims court, alleging a violation of the Fair Credit Reporting Act ("FCRA"). (Not. of Removal ¶ 2, Dkt. No. 1.) On April 1, 2019, Defendant Capital One Auto Finance removed the case to federal court. (Not. of Removal.) On April 8, 2019, Defendant moved to dismiss the case. (Def.'s Mot. to Dismiss, Dkt. No. 9.)

Plaintiff's opposition was due by April 22, 2019. After Plaintiff failed to file her opposition, the Court issued an order requiring Plaintiff to show cause why Defendant's motion should not be granted as unopposed. (Dkt. No. 14 at 1.)

On May 10, 2019, Plaintiff filed her opposition, conceding that her complaint was inadequate as she had filed her complaint in small claims court. (Plf.'s Opp'n at 2, 3, Dkt. No. 17.) Plaintiff also filed a response to the order to show cause, explaining that she had not fully understood the Federal Rules of Civil Procedure and Civil Local Rules. (Anning Decl. ¶ 4, Dkt. No. 18.)

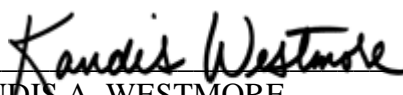
Having reviewed the parties' filings, the Court deems the matter suitable for disposition without hearing pursuant to Civil Local Rule 7-1(b) and vacates the June 6, 2019 hearing. The Court DISCHARGES the order to show cause and GRANTS Defendant's motion to dismiss.

Plaintiff alleges that Defendant violated FCRA by inaccurately reporting a negative payment. (Compl. ¶ 3a, Dkt. No. 1.) “To ensure that credit reports are accurate, the FCRA imposes duties on entities called ‘furnishers,’ which are the sources that provide credit information to credit reporting agencies.” *Snyder v. Nationstar Mortg. LLC*, Case No. 15-cv-3049-JSC, 2015 U.S. Dist. LEXIS 154680, at \*8 (N.D. Cal. Nov. 13, 2015) (citing *Gorman v. Wolpoff & Abramson, LLP*, 584 F.3d 1147, 1153-54 (9th Cir. 2009)). To allege a claim against a furnisher of inaccurate information, “a plaintiff must plead, with enough facts, that (1) the furnisher provided inaccurate information to a [consumer reporting agency (“CRA”)]; (2) a CRA notified the furnisher of the dispute; and (3) the furnisher failed to conduct a reasonable investigation into the accuracy of the disputed information.” *Finley v. Capital One*, 16-cv-1392-YGR, 2017 WL 2903141, at \*2 (N.D. Cal. July 7, 2017) (citing *Gorman*, 584 F.3d at 1154-61).

Here, as Plaintiff admits, Plaintiff has not met the federal pleading standards, which is understandable given that her claim was originally filed in small claims court. Amendment, however, is not futile, and Plaintiff is given leave to file an amended complaint by **June 7, 2019**. Plaintiff may wish to seek assistance from the Federal Pro Bono Project's Help Desk—a free service for *pro se* litigants—by calling (415) 782-8982. There, she can receive assistance from a licensed attorney. Plaintiff may also wish to consult the Court's manual for use by *pro se* litigants. This manual, and other free information is available online at: <http://cand.uscourts.gov/proselitigants>. Additionally, Plaintiff is advised that she may apply for e-filing. The requirements and registration instructions are available at: <https://cand.uscourts.gov/ECF/proseregistration>.

IT IS SO ORDERED.

Dated: May 15, 2019

  
KANDIS A. WESTMORE  
United States Magistrate Judge